



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

www.deq.state.va.us

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Robert G. Burnley
Director

(804) 698-4000
1-800-592-5482

MINUTES

STATE WATER CONTROL BOARD

October 28, 2003 - General Assembly Building

9th and Broad Streets

Richmond, Virginia

Board Members Present:

Gary H. Baise, Vice-Chairman

H. Preston Futrell, Jr.

John Bryan, Jr.

Leroy O. Pfeiffer, Jr.

Carol C. Wampler

Myron (Mike) P. Erkiletian

Board Members Absent:

Vacancy

Staff Present:

Robert G. Burnley, Director
Department of Environmental Quality

Cindy M. Berndt
Department of Environmental Quality

Attorney General's Office:

Rick Linker, Assistant Attorney General

- 1) The attached minutes summarize activities that took place at this Board Meeting.
- 2) The meeting was convened at 9:37 a.m. on Tuesday, October 28, 2003, recessed at 11:30 a.m., reconvened at 11:45 a.m., recessed at 1:15 p.m., reconvened at 1:55 p.m., recessed at 3:25 p.m., reconvened at 3:35 p.m. and adjourned at 4:25 p.m.

Approved Minute No. 1
March 23, 2004



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 28, 2003

MINUTE NO. 1 - Minutes

The Board approved the minutes from the June 19, 2003, meeting.


Cindy M. Berndt



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING OF OCTOBER 28, 2003

MINUTE NO. 2 – Permit Terminations

Jon van Soestbergen, VPDES/VPA Program Manager of the Department of Environmental Quality's Central Office introduced the staff recommendation concerning the termination of three Groundwater (GW) Withdrawal permits and one VPDES permit.

Board Decision

The Board voted unanimously to approve the terminations of permits for:

GW Withdrawal Permit No.	Pearson's Corner Water System
GW0001500	
GW Withdrawal Permit No.	Ravens Run/Fieldshirer Water System
GW0001800	
GW Withdrawal Permit No.	Cedar Point Club Golf Course
GW0035700	
VPDES Permit No.	Smyth County Rest Area Sewage Treatment Works
VA0023094	

A handwritten signature in blue ink, reading "Larry G. Lawson".

Larry G. Lawson, P.E.
Director, Division of Water Programs Coordination



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 28, 2003

MINUTE NO. 3 – Report on Facilities in Significant Noncompliance

Kathleen O'Connell, Water Enforcement Program Manager presented to the Board the Report on Facilities in Significant Noncompliance for the quarter ending June 2003. The facilities and their reported instances of noncompliance were:

1. Frederick Winchester Service Authority, Opequon WWTP - Failure to meet effluent limit
2. Town of Purcellville, Basham Simms WWTP - Failure to meet effluent limits
3. Town of South Boston, south Boston WWTP - Failure to meet effluent limits
4. Upper Occoquan Sewage Authority, Centreville STP – Failure to meet effluent limits
5. S.I.L. Cleanwater, North Fork Modular Facility - Failure to meet effluent limits

The Board accepted the report.

A handwritten signature in blue ink, reading "Kathleen F. O'Connell".

Kathleen F. O'Connell
Water Enforcement Program Manager

**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER
CONTROL BOARD AT ITS MEETING ON OCTOBER 28, 2003**

MINUTE NO. 4 - West Central Regional Office VPDES Consent Special Orders

Robert Steele of the Department of Environmental Quality, West Central Regional Office introduced the staff recommendations concerning the proposed Consent Special Order for Pepper's Ferry Regional Wastewater Treatment Authority; Smith Mountain Lake 4-H Center; and Sanville Utilities / Henry County PSA, Receiver.

Board Decision

Based on the staff recommendations, the Board voted unanimously to:

1. Approve the Consent Special Orders for:

Pepper's Ferry Regional Wastewater Treatment Authority
Smith Mountain Lake 4-H Center
Sanville Utilities / Henry County PSA, Receiver
2. Authorize the Director or his designee to sign the Orders on its behalf; and
3. Authorize the Director or his designee to refer any violations of the Orders to the Attorney General's Office for appropriate legal action.



Steven A. Dietrich, P.E.
Regional Director
West Central Regional Office



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SOUTH CENTRAL REGIONAL OFFICE
7705 Timberlake Road, Lynchburg, Virginia 24502
(434) 582-5120 Fax (434) 582-5125
www.deq.state.va.us

Robert G. Burnley
Director

Thomas L. Henderson
Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 28, 2003

MINUTE NO. 5 - South Central Regional Office Consent Special Orders

Harry F. Waggoner of the Department of Environmental Quality, South Central Regional Office, introduced the staff recommendations concerning the proposed Consent Special Orders for CMS, Inc. and Country Oaks, LLC.

Board Decision

Based on the staff recommendations, the Board voted unanimously to:

1. Approve the Consent Special Orders for:

CMS, Inc.
Country Oaks, LLC
2. Authorize the Director or his designee to sign the Orders on its behalf; and
3. Authorize the Director or his designee to refer any violations of the Orders to the Attorney General's Office for appropriate legal action.

A handwritten signature in dark ink, appearing to read "T. Henderson", written over a horizontal line.

Thomas L. Henderson
Regional Director
South Central Regional Office



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DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Northern Virginia Regional Office
13901 Crown Court
Woodbridge, VA 22193-1453
(703) 583-3800 fax (703) 583-3801
www.deq.state.va.us

Robert G. Burnley
Director

Jeffery A. Steers
Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 28, 2003

MINUTE NO. 6 – VPDES Consent Special Orders

The Department of Environmental Quality's ("DEQ") Northern Virginia Regional Office ("NVRO") presented two proposed Consent Special Orders for the Board's consideration.

Ms. Anne Crosier of the DEQ NVRO made the staff presentation concerning the proposed Orders. Following the presentation, Ms. Crosier made the staff recommendation regarding the proposed Orders.

The first Order requires that Rapidan Service Authority ("RSA") evaluate alternatives for minimizing overflows from the Lake of the Woods sewerage collection system and implement interim measures to reduce the number of overflows from the system. The Order also requires that RSA meet with DEQ by August 1, 2004, to discuss the completed study and RSA's plans for implementing one of the alternatives.

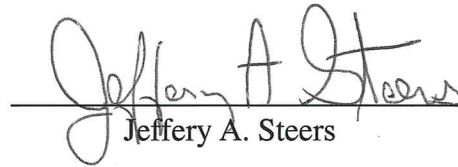
The second Order requires that Stafford County achieve final stabilization of the Airport access road construction project, file a Notice of termination under the General Permit, and pay a civil charge for failure to obtain timely coverage under the VPDES General Storm Water Construction Permit.

Decision

Based on the briefing material and the staff presentation and recommendations, the Board voted unanimously to:

1. Approve the proposed Consent Special Orders regarding the Lake of the Woods sewerage collection system and the Stafford County Airport Access Road Construction Project;
2. Authorize the Director or his designee to sign the Orders on the Board's behalf; and

3. Authorize the Director or his designee to refer violations of the Orders to the Office of the Attorney General for appropriate legal action.



Jeffery A. Steers



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W. Tayloe Murphy, Jr.
Secretary of Natural Resources

PIEDMONT REGIONAL OFFICE

4949-A Cox Road
Glen Allen, Virginia 23060
(804) 527-5020
Fax (804) 527-5106
www.deq.state.va.us

Robert G. Burnley
Director

Gerard Seeley, Jr.
Piedmont Regional Director

**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD
AT IT'S MEETING ON OCTOBER 28, 2003**

MINUTE NO. 7 - VPDES Consent Special Order

Mr. James Golden, Piedmont Regional Office, introduced the staff recommendations concerning the proposed Consent Special Order Settlement for Virginia Electric and Power Company.

The Virginia Electric and Power Company, located in Chesterfield County, holds a valid VPDES permit that expired in March 2002, and is currently administratively continued. In February 2001, the Department issued an air permit to Virginia Power authorizing the construction and operation of three Selective Catalytic Reduction units for control of nitrogen oxide emissions. The first of these units became operational in May 2002. The Selective Catalytic Reduction technology basically consists of injecting ammonia into boiler flue gas and passing it through a catalyst bed where nitrogen oxide and ammonia react to form nitrogen and water vapor. This process results in a small wastewater discharge. Because this discharge is not authorized in the current VPDES permit, an authorizing mechanism was needed for the period of time until the VPDES permit is reissued. A Letter of Agreement was issued in May 2002 to authorize the wastewater discharge from the Selective Catalytic Reduction units. The Letter of Agreement expired in May 2003, and this Order is proposed to cover the discharge until the VPDES permit is reissued. The Order authorized wastewater discharge from Selective Catalytic Reduction Units 4, 5, and 6 at the Chesterfield Power Station until the VPDES permit is reissued. The Order contains effluent limitations, monitoring and reporting requirements. Public Notice closed on July 29, 2003, and no comments were received.

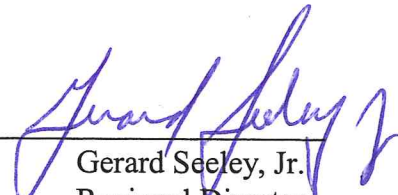
Board Decision

Based on the staff presentation and recommendations, the Board voted unanimously to:

1. Approve the Consent Special Order for :

Virginia Electric and Power Company

2. Authorize the Director or his designee to sign the Order on its behalf; and
3. Authorize the Director or his designee to refer any violation of this Order to the Attorney General's Office for appropriate legal action.



Gerard Seeley, Jr.
Regional Director



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

5636 Southern Boulevard
Virginia Beach, VA 23462
www.deq.state.va.us

Robert G. Burnley
Director

Francis L. Daniel
Tidewater Regional Director
(757) 518-2000

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON October 28, 2003

MINUTE NO. 8a – Tidewater Regional Office Virginia Pollutant Discharge Elimination System Consent Special Order Asphalt Roads and Materials Company, Inc.

Maria Nold, Enforcement Manager in the Department of Environmental Quality's Tidewater Regional Office introduced the staff recommendation concerning one Consent Special Order with civil charge.

Asphalt Roads and Materials Company, Inc.

Asphalt Roads & Materials Co., Inc. (ARM) owns and operates an asphalt manufacturing and paving facility in Virginia Beach, VA. On February 12, 2003, DEQ inspected ARM and documented the following permit violations: failure to maintain a current storm water pollution prevention plan (SWP3), failure to perform comprehensive site compliance evaluations from 1999 – 2001, and failure to perform quarterly site inspections and visual storm water quality examinations for nine quarters since October 1999. Failing to maintain a current SWP3, perform comprehensive site compliance evaluations, and conduct quarterly site inspections were repeat permit violations from an earlier inspection.


No comments were received during the public comment period. The Order requires ARM to pay a civil charge of \$6,000.

Board Decision

Based on the staff recommendation, the Board voted, with Mr. John Bryan Jr. opposed, to:

1. Approve the Consent Special Order for Asphalt Roads and Materials Company, Inc.;

2. Authorize the Director or his designee to sign the Order on its behalf; and
3. Authorize the Director or his designee to refer any violation of the Order to the Attorney General's Office for appropriate legal action.

A handwritten signature in cursive script that reads "Francis L. Daniel". The signature is written in black ink and is positioned above a horizontal line.

Francis L. Daniel
Director, Tidewater Regional Office

**MINUTE NO. 8b – Tidewater Regional Office Virginia Pollutant Discharge
Elimination System Consent Special Order
Commercial Ready Mix Products, Inc.**

Maria Nold, Enforcement Manager in the Department of Environmental Quality's Tidewater Regional Office introduced the staff recommendation concerning one Consent Special Order with civil charge.

Commercial Ready Mix Products, Inc.

Commercial Ready Mix Products, Inc. (Commercial) owns and operates a concrete ready-mix plant located in Franklin, VA. DEQ determined from laboratory records that Commercial had reported inaccurate results for the September, October, and November 2002 monitoring periods. The reported results indicated compliance with permitted effluent limits; however, the laboratory records indicated total suspended solids (TSS) effluent limits were exceeded seven times during the subject monitoring periods. This violated an October 8, 2002 consent order the State Water Control Board had issued, which required monthly monitoring, sampling, and reporting as required by the Permit. In addition, Commercial reported two TSS effluent limit violations during the August 2002 monitoring period. Several operational deficiencies including laboratory violations were also noted during a December 10, 2002 inspection.

No comments were received during the public comment period. The Order requires Commercial to pay a civil charge of \$17,600.

Board Decision

Based on the staff recommendation, the Board voted, with Mr. Mike P. Erkiletian opposed, to:

1. Approve the Consent Special Order for Commercial Ready Mix Products, Inc.;
2. Authorize the Director or his designee to sign the Order on its behalf; and
3. Authorize the Director or his designee to refer any violation of the Order to the Attorney General's Office for appropriate legal action.



Francis L. Daniel
Director, Tidewater Regional Office

**MINUTE NO. 8c – Tidewater Regional Office Virginia Pollutant Discharge
Elimination System Consent Special Orders
Eagle Harbor L.L.C.**

Maria Nold, Enforcement Manager in the Department of Environmental Quality's Tidewater Regional Office introduced the staff recommendation concerning one Consent Special Order with civil charge.

Eagle Harbor, L.L.C.

Eagle Harbor L.L.C. (Eagle Harbor) is a residential/commercial development located in Isle of Wight County, VA. Development of the property is subject to a Virginia Pollutant Discharge Elimination System (VPDES) storm water general permit and Virginia Water Protection (VWP) Permit. DEQ inspected the Eagle Harbor development six times between December 13, 2002 and March 6, 2003 and observed several VPDES and VWP permit violations including: 1) three unauthorized storm water discharges, which Eagle Harbor failed to report; 2) improper installation and maintenance of erosion and sediment controls, and inadequate flagging of wetland and buffer areas prior to construction; 3) failure to document major grading activities, contractor certifications, and site inspections; 4) failure to obtain approval of final construction plans; 5) failure to provide notification to DEQ prior to commencing construction activity on Tract 1; and 6) failure to provide compensation prior to impacts of 0.228 acres of wetlands.

No comments were received during the public comment period. The Order requires Eagle Harbor to pay a civil charge of \$23,000.

Board Decision

Based on the staff recommendation, the Board voted unanimously to:

1. Approve the Consent Special Order for Eagle Harbor, L.L.C.;
2. Authorize the Director or his designee to sign the Order on its behalf; and
3. Authorize the Director or his designee to refer any violation of the Order to the Attorney General's Office for appropriate legal action.



Francis L. Daniel
Director, Tidewater Regional Office



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DEPARTMENT OF ENVIRONMENTAL QUALITY

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 28, 2003

MINUTE NO. 9 - VRO - Consent Special Orders

Edward Liggett, VRO enforcement staff, presented and introduced the staff recommendations concerning a proposed Consent Special Order for Sandy's Mobile Court, Inc., and a Consent Special Order with a civil charge for Southern Sun, Inc.

Sandy's owns and operates a sewage treatment facility serving approximately 112 mobile homes in Frederick County, Virginia. This facility is the subject of a VPDES permit which authorizes the discharge of treated wastewater to an unnamed tributary to Crooked Run in the Shenandoah River subbasin. Sandy's completed facility upgrades under the terms of an April 2000 Consent Order but was still unable to meet the permit's final limit for ammonia. The Order requires the Sandy's to come into compliance with the permit by December 1, 2006, by either:

1. Connecting the Facility to public sewer; thereby eliminating all discharges from the facility;
2. Installing an on-site disposal system approved by the local Health Department and eliminating all discharges from the facility;
3. Upgrading the facility to meet the permit's final effluent limitations; or,
4. Closure of the mobile home court; thereby eliminating all discharges from the facility.

The Order includes an interim limit for ammonia. Sandy's has submitted documentation demonstrating its inability to pay a proposed \$2,400 civil charge; accordingly, no civil charge is included in the Order. The public notice period for the proposed Consent Order was completed on August 27, 2003. No public comment was received.

Southern Sun, Inc., is the former owner and operator of a sewage treatment plant which serves the Ramada Inn-Monticello in Albemarle County. The previous five-year VPDES permit was reissued on January 22, 1998, with a January 22, 2003, expiration date. Pursuant to the VPDES Permit Regulation, Southern Sun was required to submit a complete application for re-issuance

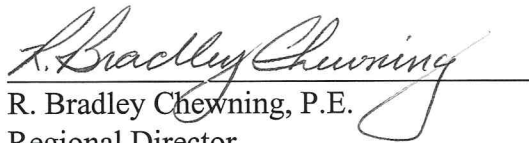
of the permit on or before July 26, 2002. Southern Sun failed to submit its application for reissuance of the permit in a timely manner; subsequently, the permit was expired for a period of 21 days. Based on an inspection of the sewage treatment plant, VRO staff found and cited several Operations & Maintenance ("O&M") related violations which have since been addressed.

The Consent Order assesses a \$1,400 civil charge against Southern Sun for the unpermitted discharge of 21 days and for the O&M violations which have been addressed. Southern Sun recently sold the Ramada Inn – Monticello and the sewage treatment plant to a new corporation. The public notice period for the proposed Order closed on July 30, 2003. No public comment was received.

Board Decision

Based on the staff's presentation of the Consent Special Orders and recommendation, the Board unanimously voted to:

1. approve the Consent Special Order for Sandy's Mobile Court, Inc.;
2. approve the Consent Special Order with a civil charge for Southern Sun, Inc.;
3. authorize the Director or his designee to sign the Orders on its behalf; and
4. authorize the Director or his designee to refer any violations of these Orders to the Attorney General's Office for appropriate legal action.


R. Bradley Chewning, P.E.
Regional Director
Valley Regional Office



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Thomas L. Henderson
Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 28, 2003

MINUTE NO. 10- South Central Regional Office Consent Special Order

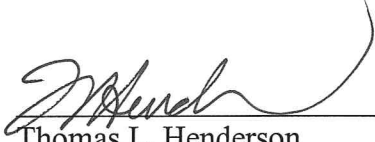
Harry F. Waggoner of the Department of Environmental Quality, South Central Regional Office, introduced the staff recommendation concerning the proposed Consent Special Order for the City of Lynchburg.

Board Decision

Based on the staff recommendation, the Board voted unanimously to:

1. Approve the Consent Special Order for the:

City of Lynchburg
2. Authorize the Director or his designee to sign the Order on its behalf; and
3. Authorize the Director or his designee to refer any violations of the Order to the Attorney General's Office for appropriate legal action.


Thomas L. Henderson
Regional Director
South Central Regional Office



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Tidewater Regional Director
(757) 518-2000

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT IT'S MEETING ON October 28, 2003

MINUTE NO. 11 – Tidewater Regional Office Virginia Water Protection Permit Program Consent Special Orders

**Grayco, Inc.
John Grier Construction, Inc.
James C. Moore**

Maria Nold, Enforcement Manager in the Department of Environmental Quality's Tidewater Regional Office introduced the staff recommendations concerning three Consent Special Orders with civil charges.

Grayco, Inc.

Grayco is constructing the Founders Pointe subdivision on Sugar Hill Road in Isle of Wight County. A Virginia Water Protection permit, issued to Grayco on September 28, 2001, authorizes impacts to 1.19 acres of nontidal wetlands. The permit requires 2.38 acres of wetlands compensation of which 0.43 acres of compensation are satisfied by preserving upland buffers. The remaining 1.95 acres of compensation is to be satisfied by off-site wetlands creation. Part I.G.4 of the Permit requires that the wetlands creation be completed prior to filling the wetlands. During an inspection of the Founders Pointe property on January 8, 2003, DEQ staff documented that the majority of wetlands on site had been impacted before the wetlands creation had started.

The Order requires that the mitigation be completed by March 1, 2004 and the payment of a civil charge of \$11,600. No comments were received during the public comment period.

John Grier Construction, Inc.

On September 3, 2002, DEQ and Army Corps of Engineers ("ACOE") staff inspected a site on Barrett's Ferry Road in James City County, owned by the Company. It was documented that approximately 0.27 acres of fill had been deposited in a cypress swamp for the construction of an access road leading to the Chickahominy River. The 1,200 foot long road is approximately 10 feet wide and includes eight reinforced concrete culverts (12 inches in diameter) under the roadway to allow for the flow of water. The ACOE confirmed wetland delineation boundaries

for the impacted area to be 11,892 square feet of forested wetlands. Most of the road (1,160 feet) is in wetlands. The total amount of fill is approximately 3,743 cubic yards.

The Company has submitted an after the fact Virginia Water Protection ("VWP") permit application which is under review by the staff. The Order requires the Company to comply with all the provisions of the permit if the permit is issued. In the event that the VWP permit is denied, the Company is required to submit within 60 days of receipt of notice of denial, an approvable plan and implementation schedule for restoration of the impacted wetlands. In addition, the Order requires the payment of a civil charge of \$10,000. No comments were received during the public comment period.

James C. Moore

On September 26, 2001, staff from the ACOE and DEQ inspected the Moore property which is located on Wythe Creek Road in Poquoson, Virginia. The inspection documented that forested wetlands had been cleared, tree stumps had been excavated, and that wetlands were filled with tree debris piles and sediment. The wetlands on the site have now been restored in accordance with guidance from the ACOE. The Order requires Mr. Moore to have a professional wetlands delineation performed on the property and to submit the results to DEQ. In addition, the Order requires the payment of a civil charge of \$3,500. No comments were received during the public comment period.

Board Decision

Based on the staff presentation and recommendations the Board voted unanimously to:

1. Approve the Consent Special Orders for Grayco, Inc., John Grier Construction, Inc., and James C. Moore;
2. Authorize the Director or his designee to sign the orders on its behalf; and
3. Authorize the Director or his designee to refer any violation of the Orders to the Attorney General's Office for appropriate legal action.



Francis L. Daniel

Director, Tidewater Regional Office



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PIEDMONT REGIONAL OFFICE

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Glen Allen, Virginia 23060
(804) 527-5020
Fax (804) 527-5106
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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD
AT IT'S MEETING ON OCTOBER 28, 2003**

MINUTE NO. 12 - VWPP Consent Special Orders with Penalty Settlements

Mr. James Golden, Piedmont Regional Office, introduced the staff recommendations concerning the proposed VWPP Consent Special Order Settlements for Bluegreen Properties of Virginia, Chester Development Associates, LLC, The Hanover Group L.L.C., and Mr. Ronald Marshburn.

Bluegreen Properties of Virginia received a VWP permit in November 2001, authorizing impacts to 3.48 acres of forested wetlands to construct a residential golf course community in New Kent County. The Department conducted a site inspection in June 2002 and staff observed several areas of noncompliance including E&S control deficiencies, some resulting in unauthorized fill in State waters; failure to restore temporary impacts; and failure to flag nonimpacted wetlands. A subsequent file review found a number of deficient reporting requirements such as failure to send 10-day notification letter, failure to submit final P&S, and failure to submit required monitoring reports.

A NOV was issued in July 2002 citing the alleged violations. The Department conducted a second site inspection in December 2002, found some of the same problems still existing, and issued a second NOV in April 2003. Although individual impacts to State waters may be considered marginal, the number of impacts when totaled and the failure to take corrective actions after Department notification, resulted in the violations being considered as moderate. The order requires compliance with conditions of the VWP permit and the payment of a \$19,600 civil charge. Public Notice was closed on July 29, 2003, and no comments were received.

Chester Development Associates, LLC received a VWP permit in June 1998, authorizing impacts to 2.96 acres of forested wetlands to construct a commercial/residential development in Chesterfield County. The permit required on-site creation and preservation of existing wetlands. The Department conducted a file review in October 2002, which indicated that construction activities began in 1998 and as of October 2002, 2.56 acres of wetlands had been impacted and requirements for preservation or creation had not been initiated. Additionally, a number of monitoring and reporting deficiencies were also noted. A NOV was issued in November 2002, citing the alleged violations. During the course of resolving these violations, a new owner bought the property. While these violations are

considered serious, the new owner pro-actively purchased 5.96 acres of wetlands from a wetland mitigation bank as full compensatory mitigation for the entire project. The new owner also provided a protective instrument preserving the remaining wetlands on-site. The Order requires the payment of a civil charge of \$6,800. Public Notice was closed on August 13, 2003, and no comments were received.

The Hanover Group L.L.C. received a VWP permit in May 2002, authorizing impacts to 0.8 acres of wetlands to construct a residential subdivision and a commercial/retail/light industrial business park in Hanover County. The Department conducted a site inspection in May 2002, and confirmed that wetland impacts had exceeded the limits allowed by the permit. Additional issues of noncompliance included: failure to flag nonimpacted wetlands; failure to submit Final P&S; failure to submit documentation of in-lieu fund contributions; failure to provide proof of wetland preservation; and failure to cease work until documentation of fund contribution and proof of preservation was submitted. A NOV was issued in July 2002, citing the alleged violations. The violations are considered moderate. The Order requires: submittal of the proof of wetland preservation; submittal of a master plan detailing each phase of construction; submittal of the quarterly reports; and payment of a \$12,925 civil charge. The Public Notice was closed on August 13, 2003, and no comments were received.

Mr. Ronald Marshburn owns a 4.3 acre parcel of land located between the east and west bound lanes of Rt. 60 in New Kent County. In May 2000, the Army Corps of Engineers, at Mr. Marshburn's request, visited a property adjacent to Mr. Marshburn's property for the purpose of identifying wetlands at the property. During that visit, wetlands were identified on-site and Mr. Marshburn was informed that a permit from the Department and the Army Corps of Engineers would be required to fill wetlands on the property. In May 2002, the Army Corps of Engineers revisited the property and observed recent unauthorized fill activities in the wetlands. In June 2002, the Department received a report from the Corps detailing their findings. The Department issued a NOV in September 2002, citing the alleged violations. The Order requires submission of a VWP permit application, requires compliance with the conditions of the VWP permit and the payment of a \$4,200 civil charge. Public Notice was completed on September 24, 2003 and no comments were received.

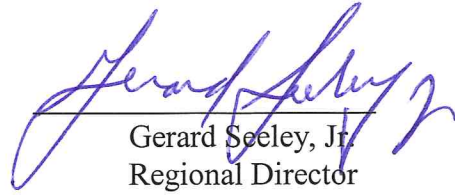
Board Decision

Based on the staff presentation and recommendations, the Board members voted unanimously to approve the Orders for The Hanover Group L.L.C., Chester Development Associates, L.L.C. and Mr. Ronald Marshburn, with Mr. Erkiletian opposed to the approval of the Order for Bluegreen Properties of Virginia. The Board voted to:

1. Approve the Consent Special Orders for :

Bluegreen Properties of Virginia
The Hanover Group L.L.C.
Chester Development Associates, L.L.C.
Mr. Ronald Marshburn

2. Authorize the Director or his designee to sign the Orders on its behalf; and
3. Authorize the Director or his designee to refer any violation of these Orders to the Attorney General's Office for appropriate legal action.



Gerard Seeley, Jr.
Regional Director

**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER
CONTROL BOARD AT ITS MEETING ON OCTOBER 28, 2003**

MINUTE NO. 13 - West Central Regional Office UST Consent Special Orders


Robert Steele of the Department of Environmental Quality, West Central Regional Office introduced the staff recommendations concerning the proposed Consent Special Order for Peoples Save Stations, Inc.

Board Decision

Based on the staff recommendations, the Board voted unanimously to:

2. Approve the Consent Special Order for:

Peoples Save Stations, Inc.
4. Authorize the Director or his designee to sign the Order on its behalf; and
5. Authorize the Director or his designee to refer any violations of the Order to the Attorney General's Office for appropriate legal action.

A handwritten signature in cursive script, reading "Steven A. Dietrich", is written over a horizontal line.

Steven A. Dietrich, P.E.
Regional Director
West Central Regional Office



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 28, 2003

MINUTE NO. 14 – Casta Line Trout Farm-Craigsville

Kemper Loyd (Area Engineer, DEQ-VRO) made the staff presentation regarding the proposed issuance of VPDES Permit No. VA0091227. A public hearing was held on March 12, 2003, regarding the proposed permit issuance. The proposed action was previously presented to the full Board on June 19, 2003, when the staff's recommendation to authorize permit issuance was defeated by a vote of three to three. The Board further directed the staff to attempt resolution of the permittee's objections to the permit.

During his presentation, Mr. Loyd referenced the Board book materials for detailed discussions of the ten negative comments that had been received to date. He further discussed the efforts that staff had made to address the permittee's concerns. The single change that was proposed to the draft permit, revision of the special condition requiring Professional Engineer certification of newly-constructed treatment facilities, was further explained to the Board.

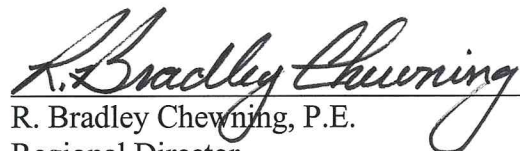
Following Mr. Loyd's presentation, the permittee, Mr. Bryan Plemmons, reiterated his points of opposition to the draft permit. Dr. Louis Helfrich, Virginia Tech Extension Aquaculture Specialist, provided information regarding the efforts that were needed and underway to develop effective, economical waste management practices for trout culture facilities. No new issues were raised.

Following the permittee's comments, DEQ staff, the permittee, and Dr. Helfrich answered questions from the Board.

Upon request from the Board, Mr. Loyd provided the staff recommendation that the Board authorize the issuance of VPDES Permit No. VA0091227 for Casta Line Trout Farm-Craigsville, as revised.

Board Decision

By a vote of five to zero (Erkiletian abstaining), the motion to accept the staff recommendation was approved.



R. Bradley Churning, P.E.
Regional Director
Valley Regional Office



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 28, 2003

MINUTE NO. 15 – Casta Line Trout Farm-Middlebrook

Kemper Loyd (Area Engineer, DEQ-VRO) made the staff presentation regarding the proposed issuance of VPDES Permit No. VA0091219. A public hearing was held on March 12, 2003, regarding the proposed permit issuance. The proposed action was previously presented to the full Board on June 19, 2003, when the staff's recommendation to authorize permit issuance was defeated by a vote of three to three. The Board further directed the staff to attempt resolution of the permittee's objections to the permit.

During his presentation, Mr. Loyd referenced the Board book materials for detailed discussions of the ten negative comments that had been received to date. He further discussed the efforts that staff had made to address the permittee's concerns. The single change that was proposed to the draft permit, revision of the special condition requiring Professional Engineer certification of newly-constructed treatment facilities, was further explained to the Board.

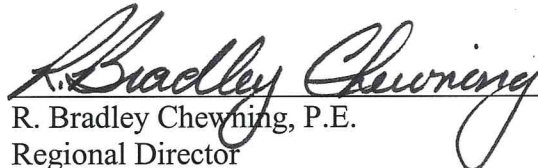
Following Mr. Loyd's presentation, the permittee, Mr. Bryan Plemmons, reiterated his points of opposition to the draft permit. A consultant for the permittee, Dr. Scott Newton, also provided information in opposition to the draft permit. No new issues were raised.

Following the permittee's comments, DEQ staff, the permittee, and Dr. Newton answered questions from the Board.

Upon request from the Board, Mr. Loyd provided the staff recommendation that the Board authorize the issuance of VPDES Permit No. VA0091219 for Casta Line Trout Farm-Middlebrook, as revised.

Board Decision

By a vote of five to zero (Pfeiffer abstaining), the motion to accept the staff recommendation was approved.



R. Bradley Chewning, P.E.
Regional Director
Valley Regional Office



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

**Excerpt from the Proceeding of the State Water Control Board
At its Meeting on October 28, 2003**

**Minute No. 16 - Issuance of VPDES Permit VA0020460
Vint Hill Farms Station STP - Fauquier County**


This agenda item involved the reissuance of the permit for the Vint Hill Farms Station STP located in Fauquier County near Warrenton. Staff from the Northern Regional Office provided the comments received from the public during the public comment period and public hearing, provided responses to each comment, and made recommendation to the Board. The primary issue concerning the reissuance of the permit was the permittee's request to expand the plant to 0.95 mgd and whether or not such an expansion is consistent with the Occoquan Policy (9 VAC 25-410). In preparing the permit, staff made an interpretation of the Policy and several entities, including local governments, objected to staff's interpretation and implementation. Several speakers addressed the Board during the meeting reiterating the comments they made during the public comment period:

Clayton Walton, counsel for the Fairfax County Water Authority;
Christopher Pomeroy, counsel for the Fauquier County Water and Sanitation Authority;
Barney Durrett, Director Fauquier County Water and Sanitation Authority;
Dennis Hunsberger for the Vint Hill Economic Development Authority;
Tony Hooper for the Fauquier County Board of Supervisors; and
Merle Fallon counsel for area builders.

Staff recommended that the Board issue the permit as it was originally drafted and public noticed.

Board Decision

The Board voted unanimously in favor of staff's recommendation.



Regional Director
Northern Regional Office

**EXCERPT FROM THE PROCEEDINGS OF THE BOARD AT ITS MEETING
ON October 28, 2003**

MINUTE NO. 17 – Centerville Properties VWP Permit Issuance

Mr. Bert Parolari, Virginia Water Protection Permit Manager of the DEQ Tidewater Regional Office made a brief staff presentation regarding the proposed issuance of VWP Permit #00-1688 to Tri City Properties, L.L.C. During this presentation, Mr. Parolari summarized previous activity on this proposed permit including Board action to defer this matter at their March 25, 2003 meeting. Subsequent staff activity in response to questions from the Board was also summarized. Recommended special conditions contained in the draft permit, including the addition of 145 acres of wetland preservation to the previous compensation plan were presented to the Board for consideration along with a minor wording change in permit special condition F.6, requested by Ms. Carol Wampler prior to the meeting.

At the Board's invitation, Senator Ken Stolle and Delegate John Cosgrove both addressed the Board relative to the issuance of the permit. Mr. Robert McDonnell, counsel for the applicant, then registered his objection to consideration of numerous documents submitted following close of the public comment period. He stated that consideration of this material violates the Administrative Processes Act (APA). He also requested an opportunity to speak following staff's recommendation. Mr. Baise asked Assistant Attorney General Rick Linker if the APA had been violated. Mr. Linker advised that it was his opinion that it had not been violated.

Mr. Baise then asked if the revised project and permit addressed former concerns raised by the Citizens for Stumpy Lake. Mr. Robert Wise, counsel for the Citizens for Stumpy Lake and the Chesapeake Bay Foundation, addressed the Board and commented that the former concerns were not addressed, primarily because proper avoidance and minimization had not taken place. Mr. Baise then asked Mr. Wise if the additional required wetland preservation adjacent to Stumpy Lake was a positive improvement. Mr. Wise commented that it was a negative.

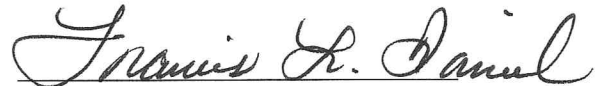
Mr. Baise then asked the applicant why they had not offered preservation on their adjacent parcel earlier in the permitting process. Mr. Mike Gelardi commented that they did not own the subject land at the beginning of the process and later believed it to be economically infeasible to offer it.

Mr. Baise then invited Mr. Robert McDonnell to comment on staff's recommendation. Mr. McDonnell requested a reduction in the amount of compensation required by the permit and referenced Corps of Engineers and DEQ guidance in support of his request. He commented on the additional costs to provide the required mitigation and stated that it was financially impracticable. Mr. Baise asked staff to comment. Ms. Ellen Gilinsky stated that the staff mitigation proposal is both ecologically preferable and practicable, and addresses no net loss of wetland acreage and function, and protection of fish and wildlife habitat in the project area. Ms. Gilinsky disagreed with the costs presented by

Mr. McDonnell and stated again that the mitigation package presented by staff was practicable.

Board Decision

Mr. Bryan moved that the Board approve the staff recommendation to issue VWP Permit #00-1688 as presented to the Board. Mr. Pheiffer seconded. Mr. Mike Erkiletian abstained. All Remaining Board members voted in favor of the motion.

A handwritten signature in cursive script, reading "Francis L. Daniel".

Francis L. Daniel

Tidewater Regional Director



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

www.deq.state.va.us

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Robert G. Burnley
Director

(804) 698-4000
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 28, 2003

MINUTE NO. 18 – WQS – Tier III Waters – Cowpasture River

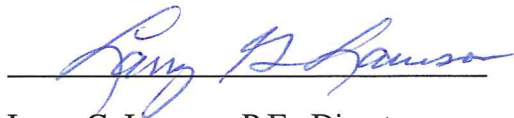
Jean Gregory of the Office of Water Quality Programs presented to the Board for their consideration for Tier III, exceptional waters designation a citizen petition from the Cowpasture River Preservation Association for a section of the main stem of the Cowpasture River and the entire length of Simpson Creek which is a tributary to the Cowpasture. This petition was prepared at the suggestion of the previous State Water Control Board chairman as a way for the Association to address their concerns about the potential impact on the Cowpasture River of new wastewater discharges. Ms. Gregory advised the Board that staff had done an initial completeness review of the citizen petition and deemed it to be complete and to meet the eligibility criteria as well as requirements of the DEQ Public Participation Guidelines. The Board members were provided with copies of letters in support of the petition from Senator R. Creigh Deeds and Delegate James M. Shuler.

Board Decision

By unanimous vote the Board directed staff:

1. To proceed with notification to the localities and riparian landowners who would be potentially impacted by an exceptional waters designation for Simpson Creek and the nominated section of the main stem of the Cowpasture River and to provide these potentially impacted parties a 60 day opportunity for comment,
2. To publish in the Virginia Register the required notice of a 21-day comment period for the general public, and

3. To appear before the Board at the next scheduled meeting after the close of the comment periods to provide a summary of the comments and the results of the staff site visit so that the Board can at that time decide what course of action to take on the petition.



Larry G. Lawson, P.E., Director

Water Division



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

www.deq.state.va.us

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Robert G. Burnley
Director

(804) 698-4000
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 28, 2003


MINUTE NO. 19 – Tier III Waters - Shenandoah National Park

Jean Gregory of the Office of Water Quality Programs directed the Board to the summary of comments received from potentially impacted localities and riparian landowners regarding Department nomination of portions of eleven waters located on land within the Shenandoah National Park for designation as Tier III, exceptional waters. She advised the Board that the summary included comments received when staff made the Board directed telephone calls to the administrator for each potentially impacted locality to offer to discuss the proposed candidate streams in their locality.

She pointed out that the comments received were all in support of the nominated waters except for the four waters within Madison County, but the sections of the four waters proposed for designation in Madison County were located entirely within the boundaries of the federal park service land and that these four waters met the eligibility criteria for consideration.

Decision

By unanimous vote the Board directed staff to initiate rulemakings to amend the Water Quality Standards regulation to designate as an Exceptional Water portions of the following eleven waters located on federal land within Shenandoah National Park: Big Run, Brokenback Run, Doyles River, Jeremys Run, East Hawksbill Creek, Hughes River, East Branch Naked Creek, Piney River, Rose River, North Fork Thornton River, and White Oak Canyon Run.


Larry G. Lawson, P.E., Director
Water Division



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Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

www.deq.state.va.us

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Robert G. Burnley
Director

(804) 698-4000
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 28, 2003

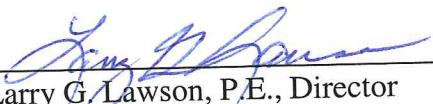
MINUTE NO. 20 – Tier III Waters – 3 Citizen Petitions & 7 DEQ Waters

Jean Gregory of the Office of Water Quality Programs asked the Board for approval to go to public hearing and comment on nine of the ten proposed Tier III, Exceptional State Waters designations. She advised the Board that the Office of the Attorney General had reviewed the proposed amendments and written that the Board had the authority to promulgate such amendments under applicable law in the State Code.

Because of issues raised during the public comment period regarding the proposed boundary descriptions for the Ragged Island Creek petition and the restrictions such a designation would place on the issuance of storm water permits, the Department is using the participatory approach and has formed an ad hoc advisory committee to work through the issues. Ms. Gregory advised the Board that staff would complete this effort in time to appear before the Board with recommendations regarding the Ragged Island Creek Tier III petition at the next scheduled meeting in December 2003.

Decision

The Board by an unanimous vote authorized the staff to proceed to public hearing with the amendments to the Water Quality Standards regulation as presented to designate as an Exceptional Water Lake Drummond and portions of Little Stony Creek, Bottom Creek, Brown Mountain Creek, Laurel Fork, North Fork of the Buffalo River, Pedlar River, Ramseys Draft, and Whitetop Laurel Creek


Larry G. Lawson, P.E., Director
Water Division



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Fax (804) 698-4500 TDD (804) 698-4021

www.deq.state.va.us

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Robert G. Burnley
Director

(804) 698-4000
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 28, 2003

MINUTE NO. 21 - Reissuance of the General VPDES Permit for Discharges of Storm Water From Industrial Activities (9 VAC 25-151-10 et seq.)

The Board was provided a draft of the amended regulation and a summary memorandum prior to the meeting. Burt Tuxford gave a brief overview of the proposed regulation amendments.

Board Decision

Based on the briefing material and the staff presentation, the Board voted unanimously to authorize the staff to advertise a public comment period and hold a public hearing on the draft regulation amendment, 9 VAC 25-151-10 et seq.

A handwritten signature in blue ink, appearing to read "Larry G. Lawson".

Larry G. Lawson, P.E.

Director, Water Program Coordination



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Street address: 629 East Main Street, Richmond, Virginia 23219
Mailing address: P.O. Box 10009, Richmond, Virginia 23240
Fax (804) 698-4500 TDD (804) 698-4021
www.deq.state.va.us

Robert G. Burnley
Director

(804) 698-4000
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 28, 2003

MINUTE NO. 22 - Reissuance of the General VPDES Permit for Discharges of Storm Water From Construction Activities (9 VAC 25-180-10 et seq.)

The Board was provided a draft of the amended regulation and a summary memorandum prior to the meeting. Burt Tuxford gave a brief overview of the proposed regulation amendments.

Board Decision

Based on the briefing material and the staff presentation, the Board voted unanimously to authorize the staff to advertise a public comment period and hold a public hearing on the draft regulation amendment, 9 VAC 25-180-10 et seq.

A handwritten signature in blue ink, reading "Larry G. Lawson".

Larry G. Lawson, P.E.
Director, Water Program Coordination



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Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

www.deq.state.va.us

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Robert G. Burnley
Director

(804) 698-4000
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 28, 2003

MINUTE NO. 23 - 9 VAC 25-190-10 et seq., General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Nonmetallic Mineral Mining

The staff presented a draft regulation amendment to reissue the Nonmetallic Mineral Mining General Permit and recommended that the Board authorize public hearings for the proposed draft.

Board Decision

The Board voted to authorize public hearings for the amendment of the General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Nonmetallic Mineral Mining, 9 VAC 25-190-10 *et seq.*

A handwritten signature in blue ink, reading "Larry G. Lawson".

Larry G. Lawson, P.E.
Director, Water Division



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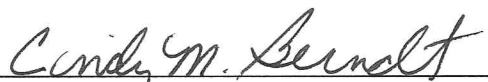
Robert G. Burnley
Director

(804) 698-4000
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 28, 2003

Minute No. 24 – Public Forum

No persons appeared during the public forum.


Cindy M. Berndt



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Street address: 629 East Main Street, Richmond, Virginia 23219
Mailing address: P.O. Box 10009, Richmond, Virginia 23240
Fax (804) 698-4500 TDD (804) 698-4021
www.deq.state.va.us

Robert G. Burnley
Director

(804) 698-4000
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE BOARD AT ITS MEETING ON OCTOBER 28, 2003

MINUTE 25 - Development of Virginia's FY 2004 Wastewater Revolving Loan Funding List

Mr. Walter A. Gills, Program Manager of the Board's Construction Assistance Program, made a presentation to the Board based on a staff memorandum dated October 8, 2003 in regards to the development of Virginia's Wastewater Revolving Loan project funding list and Intended Use Plan for FY 2004.

Mr. Gills began by referencing the attachments included with the staff's memorandum which provided the Board with a description of the projects being considered and presented the FY 2004 applicants in priority funding order. He summarized the staff's activities in regards to the development of the FY 2004 funding list and briefed the Board on Virginia's anticipated revenue and the need to leverage the Fund this year in order to address all requests.

Mr. Gills briefly reviewed the status of the Land Conservation Loan Program and Guidelines and referenced some minor modifications that were being made in response to public comments.

The subject of an Annual Loan Servicing Fee was discussed. Mr. Gills explained that due to the size and age of the Fund, DEQ staff are now in support of the Virginia Resources Authority's request to establish such a fee. The fee would be kept as small as practical at 0.10% and be exclusive of the rate subsidy such that localities would not have to pay an effective rate greater than the established ceiling rate.

The final item for discussion involved expansion of the existing delegation of authority from the Board to the Director associated with making revisions to the VWRLF loans. Mr. Gills explained that it would be beneficial if the authority to revise loan terms could be delegated so that the agency could react to the requests in a timely manner.

The Board had several questions regarding the Land Conservation Loan projects included on the list and the staff will be providing additional information to the Board prior to their final action on the priority list at the December meeting.

Following discussions, the Board voted unanimously to:

1. Target the following localities for loan assistance from available and anticipated funds, and authorize the staff to present the Board's proposed FY 2004 loan funding list for public comment.


1. City of Lynchburg	\$ 6,000,000
2. City of Alexandria	\$ 22,000,000
3. City of Norfolk	\$ 7,400,000
4. Town of Middletown	\$ 2,200,000
5. Town of Abingdon	\$ 8,214,200
6. Alleghany County	\$ 10,380,454
7. Town of Vinton	\$ 2,479,633
8. Town of Brookneal	\$ 565,000
9. Town of Big Stone Gap	\$ 860,000
10. Botetourt County	\$ 2,995,000
11. Town of Vinton	\$ 600,000
12. Arlington County	\$100,000,000
13. Rockbridge County PSA	\$ 9,078,000
14. City of Waynesboro	\$ 550,000
15. Augusta County SA	\$ 264,650
16. Town of Mount Jackson	\$ 535,000
17. Caroline County	\$ 572,700
18. Fluvanna County	\$ 1,104,312
19. City of Newport News	\$ 3,260,000
20. Hanover County-Atlee Manor	\$ 1,240,000
21. Hanover County- Sharon Park	\$ 2,740,000
22. Waterford Foundation	\$ 3,150,100
23. The Nature Conservancy	\$ 3,555,000
24. Goochland County On-Site	\$ 75,000

Total Request	\$189,819,049
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2. Accept the proposed modifications to the Board's Land Conservation Loan Program Guidelines.

3. Approve the establishment of an Annual Loan Servicing Fee of 0.10% on all new ceiling rate loans, exclusive of the subsidy provided under the applicable ceiling rate, and

4. Delegate to the Director, or his designee, the authority to approve necessary adjustments to the Board-authorized terms on VWRLF loans.



Larry G. Lawson, Director
Division of Water
Program Coordination



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

www.deq.state.va.us

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Robert G. Burnley
Director

(804) 698-4000
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 28, 2003

MINUTE NO. 26 - Future Meetings

The Board confirmed December 4, 2003, as the date of their next regular meeting.


Cindy M. Berndt



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

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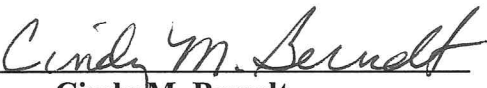
Robert G. Burnley
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(804) 698-4000
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 28, 2003

MINUTE NO. 27 - Election of Chairman

The Board unanimously elected Carol C. Wampler as Chairman of the Board.


Cindy M. Berndt